FAO No.639 of 2006

Sukhwinder Kaur and others Versus Kulwinder Singh and others

Present: Mr.Hitesh Kaplish, Advocate
for the appellants.

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UMA NATH SINGH,J.(Oral)

This FAO arises out of an award dated 11.11.2005 passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Jalandhar, in MACT Case No.27 of 2005 awarding a sum of Rs.3,90,000/- in death case of a 39 years old driver employed in Municipal Corporation, Jalandhar. Learned counsel assails the award only on the ground that the multiplier applied is 13 in place of 16. Learned counsel additionally submitted that the deceased is survived by wife and two minor children.

We have carefully considered the submission of learned counsel and we do not find any force therein for the reason that the income of the deceased has been assessed on the basis of gross salary certificate and secondly in view of judgments reported in **(2005) 8 Supreme Court Cases 473 (Managing Director, TNSTC Ltd. Versus K.I.Bindu and others)** the Hon'ble Apex Court held that Schedule II of the Act is to serve as a guide, but cannot be said to be an invariable ready reckoner. In that case, Hon'ble the Apex Court reduced the multiplier from 17 to 13 in a death case of a 4 years old man, and further in the judgment reported in **(2005)6 Supreme Court Cases 236 (T.N.State Transport Corpn. Ltd. Versus S.Rajapriya and others)** the Hon'ble Court reduced the multiplier from 16 to 12 in death case of a 38 years old man. Hon'ble the Apex Court held that

the prevailing rate of interest in economy, quantum and nature of income should to be considered. Accordingly, we do not find any merit in the appeal and the same is dismissed.

(UMA NATH SINGH)
JUDGE

(S. D. ANAND)
JUDGE

August 17, 2006
SRM